

BOARD OF APPEALS CASE NO. 4806

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BEFORE THE

APPLICANT: Ronald L. Horseman

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ZONING HEARING EXAMINER

REQUEST: Variances to construct an attached garage within the required side yard setback; 1416 My Lady's Drive, Abingdon

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/8/98 & 4/15/98

HEARING DATE: June 10, 1998

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Record: 4/10/98 & 4/17/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Ronald L. Horseman, is requesting a variance to Section 267-36(B), Table IV, of the Harford County Code, to construct an attached garage within the required 10 foot side yard and a variance to the required 30 foot total side yard setback in an R1/COS District.

The subject parcel is located at 1416 My Lady's Drive in the First Election District. The parcel is identified as Parcel No. 557, in Grid 1-C, on Tax Map 62. The parcel contains .44 acres, more or less, all of which is zoned R1.

The testimony indicates that the Applicant is requesting a variance to construct an attached garage 13 feet 6 inches in width and the Applicant is proposing an 8.6 foot side yard setback and a total of both side yards of 26.6 feet. The Applicant's testimony was that the subject parcel is unique because of its exceptional narrowness and that approval of the variance would not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because most of the other dwellings in the subdivision have garages.

No protestants appeared in opposition to the Applicant's request and the Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The Applicant is proposing a one-car, attached garage, 13 feet 6 inches in width, at the end of the existing driveway. The subject parcel is one of the few in the neighborhood without a garage. The proposed garage will be 8 feet 6 inches from the side property line and approximately 35 feet from the adjacent dwelling."

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CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table IV, of the Harford County Code, to construct an attached garage within the required 10 foot side yard and 30 foot total side yard setback. The Applicant is proposing an 8 foot 6 inch side yard setback and a 26 foot 6 inch total side yard setback.

The uncontradicted testimony was that the subject parcel is unique due to its exceptional narrowness and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because most of the other dwellings in the area have attached garages.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated in the testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, the requested variances are hereby recommended, subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the garage.
2. The garage shall not be used for the storage of commercial vehicles and/or contractors equipment.
3. The setbacks, as proposed, shall not be further reduced.

Date JULY 15, 1998

L. A. Hinderhofer
Zoning Hearing Examiner